

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Felix Fogg Jr.

Docket No. 4:10-CR-84-1FL

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Felix Fogg Jr., who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on May 31, 2011, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years. Felix Fogg Jr., was released from custody on October 1, 2013, at which time the term of supervised release commenced. The defendant's case was reassigned to the Honorable Louise Flanagan on October 30, 2014.

On March 16, 2016, the defendant appeared before the court on a motion to revoke supervised release. The court continued the term of supervised release and modified the conditions to include participation in the STAR Court Program (Drug Court) and required the defendant to reside with his mother in Kinston, North Carolina. Additionally, on June 17, 2016, a Petition for Action on Supervised Release was filed removing the condition requiring the defendant to reside with his mother, and allow relocation to a residence approved by the probation office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On October 24, 2016, the defendant was administered the Intoximeter breath alcohol test during a home visit and registered a .247 Blood Alcohol Content level, and verbally admitted to drinking beer throughout that day. Additionally, he admitted to the continuous consumption of alcohol over a span of 8 days between October 18 and October 25, 2016. Fogg continues to participate in the STAR Court Program (Drug Court) and attends substance abuse treatment at East Coast Counseling. As a sanction for this violation, we are respectfully recommending the defendant abstain from the use of any alcoholic beverages, and abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 120 consecutive days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 120 consecutive days. The defendant must contribute to the monitoring cost, according to his ability to pay, as determined by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

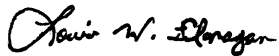
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: November 4, 2016

ORDER OF THE COURT

Considered and ordered this 7th day of November, 2016, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge